

HANSON BRIDGETT MARCUS VLAHOS & RUDY, LLP  
JOHN D. ADKISSON - 114449  
GAIL CECCHETTINI WHALEY - 162765  
ELI R. MAKUS - 234287  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
Telephone: (916) 442-3333  
Facsimile: (916) 442-2348  
jadkisson@hansonbridgett.com  
gwhaley@hansonbrigett.com  
emakus@hansonbridgett.com

Attorneys for Defendant  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN FRANCISCO

Attorneys for Defendant  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN FRANCISCO  
THE SCOTT LAW FIRM  
JOHN HOUSTON SCOTT - 72578  
LIZABETH N. DE VRIES - 227215  
1375 Sutter Street, Suite No. 222  
San Francisco, CA 94107  
Telephone: (415) 561-9600  
Facsimile: (415) 561-9609

Attorneys for Plaintiff  
SUSAN LEW

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SUSAN LEW,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE CITY AND COUNTY  
OF SAN FRANCISCO, and DOES 1  
THROUGH 50, INCLUSIVE,

Defendant.

No. C 06 3098 CRB

**STIPULATION AND ~~[PROPOSED]~~ CASE  
MANAGEMENT ORDER**

1 It is hereby stipulated and agreed between counsel for Plaintiff Susan Lew and counsel for  
 2 Defendant Superior Court of California in and for the City and County of San Francisco that the  
 3 following case management order be adopted in this case. Unless otherwise indicated, all time  
 4 frames referenced herein refer to calendar days.

5 This stipulation and Proposed Order is intended to address outstanding discovery and  
 6 summary judgment deadlines and contains updated information regarding the status and progress  
 7 of the case. To date, the parties have completed numerous depositions, including part of  
 8 Plaintiff's deposition and six depositions of key witnesses, as well as written discovery. The  
 9 parties have also completed two unsuccessful mediation sessions before mediator Barbara S.  
 10 Bryant. Although the parties continue to communicate through counsel, it appears mediation  
 11 efforts have failed and the case is ready to move forward.

## 12 DISCOVERY PERIOD

13 1. The parties hereby stipulate and agree to the following plan for further discovery.

14 (a) Discovery Period. Discovery shall remain open until further order of the Court, or  
 15 at least until the due date of Plaintiff's Opposition to Defendant's Motion for Summary Judgment  
 16 (See ¶ 12, *infra*). Defendant also anticipates propounding written discovery, including requests  
 17 for admissions and special interrogatories. Plaintiff anticipates taking more depositions. Plaintiff  
 18 may propound written discovery.

19 All written discovery shall be served in a time frame that will permit timely responses to  
 20 be served in accordance with paragraph 11(c). The parties anticipate that expert discovery will  
 21 proceed according to statutory requirements.

22 (b) Depositions. All depositions shall comply with the limits prescribed by the  
 23 Federal Rules of Civil Procedure unless otherwise stipulated between the parties or ordered by the  
 24 Court. The parties have stipulated that the deposition of any judges in this matter will be limited  
 25 to four hours each. The parties have agreed that the plaintiff may take the depositions of four  
 26 staff attorneys, Judge Ballati, Judge Hitchens, Cheryl Martin and Gordon Park-Li, in addition to  
 27 the seven depositions already taken by the Plaintiff. Any depositions taken by Plaintiff thereafter  
 28 will be done pursuant to written stipulation or an application to the court showing good cause for

1 additional depositions.

2 Defendant and Plaintiff agree that any additional deposition of Plaintiff can be completed  
3 in one-half day. If at the conclusion of the on-half day of deposition any additional time is  
4 needed, it will be pursuant to stipulation court order.

5 (c) Written Discovery. The parties anticipate serving written discovery including  
6 requests for production of documents, requests for admission and interrogatories. At this time,  
7 the parties do not anticipate requiring any variance from the limits set forth under the Federal  
8 Rules of Civil Procedure governing written discovery.

9 (d) Confidential Information. The parties agree to meet and confer regarding entering  
10 into a Protective Order to protect employees' privacy rights and Defendant's confidential and  
11 sensitive information.

## 12 MOTION FOR SUMMARY JUDGMENT

13 2. Defendant and Plaintiff propose the following schedule for Defendant's motion for  
14 summary judgment (pursuant to Local Rule 7-2, 3):

- 15 (i) Defendant to serve its moving papers on January <sup>18</sup>~~14~~, 2008;
- 16 (ii) Plaintiff to serve her opposition papers on February <sup>15</sup>~~11~~, 2008;
- 17 (iii) Defendant to serve its reply papers on February <sup>22</sup>~~18~~, 2008; and
- 18 (iv) Hearing on Motion for Summary Judgment on March <sup>7</sup>~~3~~, 2008.

19 3. Separate Statement. Pursuant to Local Rule 56-2(a), Defendant requests that the  
20 Court indicate whether it shall require that a separate statement of undisputed facts or joint  
21 statement be filed with the motion for summary judgment, or not.

## 22 TRIAL SCHEDULE

23 4. Pursuant to the August 17, 2007 case management conference, the court has  
24 ordered trial set for April 14, 2008 at 8:30 a.m. A pre-trial conference is set for April 8, 2008 at  
25 2:30 p.m. The parties anticipate that the trial will last 5-7 court days.

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28 ///

1 DATED: October 30, 2007

HANSON BRIDGETT MARCUS  
VLAHOS & RUDY, LLP

2  
3 By: //s//

4 JOHN D. ADKISSON  
5 GAIL CECCHETTINI WHALEY  
6 ELI R. MAKUS  
Attorneys for Defendant  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN FRANCISCO

7 DATED: October 30, 2007

8 THE SCOTT LAW FIRM

9 By: //s//

10 JOHN H. SCOTT  
11 LIZABETH N. DE VRIES  
Attorney for Plaintiff  
Susan Lew

12 **SO ORDERED.**

13  
14 Dated: October 31, 2007

15 The Honorable Charles R. Breyer

